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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
KAYES, SEAN PHILLIP	
ART UNIT	PAPER NUMBER
2841	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/823,830	JIDDOU ET AL.	
	Examiner	Art Unit	
	Sean Kayes	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6, 9-11, 15-17, and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Brunts (US 5724316.)

3. With respect to claim 1 Brunts discloses a method for determining a time zone based date and time from a Global Positioning System (GPS) signal comprising: receiving a time zone reference signal at a telematics device (step 132 figure 7 and column 2 lines 46-49); determining a local Coordinated Universal Time (UTC) correction from the time zone reference signal (column 2 lines 48-58); storing the local UTC correction at the telematics device (step 146 figure 7 and column 2 lines 53-58 and column 2 lines 28-32); and calculating local time from the stored local UTC correction and the GPS signal (column 2 lines 57-61.)

4. With respect to claim 3 Brunts discloses the method of claim 1 wherein the time zone reference signal is a GPS signal and the determining a local Coordinated Universal Time (UTC) correction from the time zone reference signal comprises: determining a vehicle location from the GPS signal (Lat/Lon step 132 figure 7 and column 2 lines 48-51); determining a local time zone from the vehicle location (steps

142, 144, and 146 figure 7 and column 2 lines 53-58); and determining a local UTC correction for the local time zone (steps 146 and 148 figure 7, step 178 figure 8 and column 2 lines 53-58.)

5. With respect to claim 6 Brunts discloses the method of claim 1 wherein the storing the local UTC correction comprises storing the local UTC correction in a location selected from the group consisting of an in-vehicle memory (column 2 lines 28-32 and lines 53-58), a web-hosting portal database, and a communications services database.

6. With respect to claim 9 Brunts discloses a system for determining a time zone based date and time from a Global Positioning System (GPS) signal comprising: means for receiving a time zone reference signal at a telematics device (figure 2, additionally see column 2 lines 46-48); means for determining a local Coordinated Universal Time (UTC) correction from the time zone reference signal (steps 142, 144, and 146 figure 7; step 176 and 178 figure 8, and see column 2 lines 48-58); means for storing the local UTC correction at a telematics device (180 figure 8, steps 146 and 148 figure 7, and 36 figure 2, 94, 96, 126 and 100 figure 3, and column 2 lines 53-58 and column 2 lines 28-32); and means for calculating local time from the stored local UTC correction and the GPS signal (180 figure 8 and 68 figure 2, additionally see column 2 lines 57-61.)

7. With respect to claim 10 Brunts discloses the system of claim 9 wherein the means for receiving a time zone reference signal at a telematics device comprises

means for receiving a time zone reference signal on occurrence of an event selected from the group consisting of initial telematics device configuration (the device would perform this operation when turned on, 132 fig 7), telematics device reconfiguration, a vehicle triggered event, and a system triggered event (see time zone update by dead reckoning column 2 lines 60-64; automatic updates column 2 lines 28-32.)

8. With respect to claim 11 Brunts discloses the system of claim 9 wherein the time zone reference signal is a GPS signal and the means for determining a local Coordinated Universal Time (UTC) correction from the time zone reference signal comprises: means for determining a vehicle location from the GPS signal (column 2 lines 49-53 and figure 2); means for determining a local time zone from the vehicle location (column 2 lines 48-58 and figure 2); and means for determining a local UTC correction for the local time zone (column 2 lines 53-58 and figure 2.)

9. With respect to claim 15 Brunts discloses a computer readable medium storing a computer program for determining a time zone based date and time from a Global Positioning System (GPS) signal, the computer program comprising: computer readable code for receiving a time zone reference signal at a telematics device; computer readable code for determining a local Coordinated Universal Time (UTC) correction from the time zone reference signal; computer readable code for storing the local UTC correction at the telematics device; and computer readable code for calculating local

time from the stored local UTC correction and the GPS signal (See rejection of claim 1, additionally see column 2 lines 44-64 and figures 2 and 3.)

10. With respect to claim 16 Brunts discloses the computer readable medium of claim 15 wherein the computer readable code for receiving a time zone reference signal at a telematics device comprises computer readable code for receiving a time zone reference signal on occurrence of an event selected from the group consisting of initial telematics device configuration (132 figure 7), telematics device reconfiguration, a vehicle triggered event, and a system triggered event (see time zone update by dead reckoning column 2 lines 60-64), and a system triggered event automatic updates (column 2 lines 28-32.)

11. With respect to claim 17 Brunts discloses the computer readable medium of claim 15 wherein the time zone reference signal is a GPS signal and the computer readable code for determining a local Coordinated Universal Time (UTC) correction from the time zone reference signal comprises: computer readable code for determining a vehicle location from the GPS signal; computer readable code for determining a local time zone from the vehicle location; and computer readable code for determining a local UTC correction for the local time zone (See rejection of claim 3, additionally see column 2 lines 44-64 and figures 2 and 3.)

12. With respect to claim 21 Brunts discloses the method of claim 1 wherein the receiving a time zone reference signal at a telematics device comprises receiving a time zone reference signal on occurrence of an initial telematics device configuration event (132 figure 7, start-up.)

13. With respect to claim 22 Brunts discloses the method of claim 1 wherein the receiving a time zone reference signal at a telematics device comprises receiving a time zone reference signal on occurrence of a telematics device reconfiguration event (132 figure 7, start-up.)

14. With respect to claim 23 Brunts discloses the method of claim 1 wherein the receiving a time zone reference signal at a telematics device comprises receiving a time zone reference signal on occurrence of a vehicle triggered event (132 figure 7, start-up.)

15. With respect to claim 24 Brunts discloses the method of claim 1 wherein the receiving a time zone reference signal at a telematics device comprises receiving a time zone reference signal on occurrence of a system triggered event (132 figure 7, start-up.)

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17. Claims 4-5, 12-13, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunts (US 5724316) in view of Lynch (US 6963588.)

18. With respect to claim 4 Brunts discloses the method of claim 1. Brunts does not discloses wherein the time zone reference signal is a Code Division Multiple Access (CDMA) signal including CDMA time and the determining a local Coordinated Universal Time (UTC) correction from the time zone reference signal comprises: determining UTC time from the GPS signal; and calculating a local UTC correction from the UTC time and the CDMA time.

Lynch teaches setting clock time according to a time zone using a CDMA signal (column 2 lines 4-21.) Lynch teaches a CDMA receiver (102 figure 1.)

Brunts suggests the need for a backup system to the GPS for determining the time zone (column 2 lines 60-64.)

At the time of the invention it would have been obvious to one skilled in the art to provide a CDMA receiver and use a CDMA signal as a time zone reference signal, as taught by Lynch, in Brunts' invention. When a GPS signal becomes unavailable or unreliable the time zone of the vehicle or device and the UTC correction can be determined by comparing the CDMA signal with the last known time signal from the GPS (taking into account any elapsed time.)

The suggestion or motivation for doing so would be to provide a backup for when a GPS signal is intermittent or not available and when a CDMA signal is.

19. With respect to claim 5 Brunts discloses the method of claim 1. Brunts does not discloses wherein the time zone reference signal is a Code Division Multiple Access (CDMA) signal including a CDMA local time correction and the determining a local Coordinated Universal Time (UTC) correction from the time zone reference signal comprises setting the UTC correction equal to the CDMA local time correction.

Lynch teaches setting clock time according to a time zone using a CDMA signal (column 2 lines 4-21.) Lynch teaches a CDMA receiver (102 figure 1.)

Brunts suggests the need for a backup system to the GPS for determining the time zone (column 2 lines 60-64.)

At the time of the invention it would have been obvious to one skilled in the art to provide a CDMA receiver and to use a CDMA signal as a time zone reference signal, as taught by Lynch, in Brunts' invention.

The suggestion or motivation for doing so would be to provide a backup for when a GPS signal is intermittent or not available and when a CDMA signal is.

20. With respect to claim 12 Brunts discloses the system of claim 9. Brunts does not disclose wherein the time zone reference signal is a Code Division Multiple Access (CDMA) signal including CDMA time and the means for determining a local Coordinated Universal Time (UTC) correction from the time zone reference signal comprises: means for determining UTC time from the GPS signal; and means for calculating a local UTC correction from the UTC time and the CDMA time.

Lynch teaches setting clock time according to a time zone using a CDMA signal (column 2 lines 4-21.) Lynch teaches a CDMA receiver (102 figure 1.)

Brunts suggests the need for a backup system to the GPS for determining the time zone (column 2 lines 60-64.)

At the time of the invention it would have been obvious to one skilled in the art to provide a CDMA receiver and use a CDMA signal as a time zone reference signal, as taught by Lynch, in Brunts' invention. When a GPS signal becomes unavailable or unreliable the time zone of the vehicle or device and the UTC correction can be determined by comparing the CDMA signal with the last known time signal from the GPS (taking into account any elapsed time.)

The suggestion or motivation for doing so would be to provide a backup for when a GPS signal is intermittent or not available and when a CDMA signal is.

21. With respect to claim 13 Brunts discloses the system of claim 9. Brunts does not discloses wherein the time zone reference signal is a Code Division Multiple Access (CDMA) signal including a CDMA local time correction and the means for determining a local Coordinated Universal Time (UTC) correction from the time zone reference signal comprises means for setting the UTC correction equal to the CDMA local time correction.

Lynch teaches setting clock time according to a time zone using a CDMA signal (column 2 lines 4-21.) Lynch teaches a CDMA receiver (102 figure 1.)

Brunts suggests the need for a backup system to the GPS for determining the time zone (column 2 lines 60-64.)

At the time of the invention it would have been obvious to one skilled in the art to provide a CDMA receiver and use a CDMA signal as a time zone reference signal, as taught by Lynch, in Brunts' invention. When a GPS signal becomes unavailable or unreliable the time zone of the vehicle or device and the UTC correction can be determined by comparing the CDMA signal with the last known time signal from the GPS (taking into account any elapsed time.)

The suggestion or motivation for doing so would be to provide a backup for when a GPS signal is intermittent or not available and when a CDMA signal is.

22. With respect to claim 18 Brunts discloses the computer readable medium of claim 15. Brunts does not disclose wherein the time zone reference signal is a Code Division Multiple Access (CDMA) signal including CDMA time and the computer readable code for determining a local Coordinated Universal Time (UTC) correction from the time zone reference signal comprises: computer readable code for determining UTC time from the GPS signal; and computer readable code for calculating a local UTC correction from the UTC time and the CDMA time.

Lynch teaches setting clock time according to a time zone using a CDMA signal (column 2 lines 4-21.) Lynch teaches a CDMA receiver (102 figure 1.)

Brunts suggests the need for a backup system to the GPS for determining the time zone (column 2 lines 60-64.)

At the time of the invention it would have been obvious to one skilled in the art to provide a CDMA receiver and use a CDMA signal as a time zone reference signal, as taught by Lynch, in Brunts' invention. When a GPS signal becomes unavailable or unreliable the time zone of the vehicle or device and the UTC correction can be determined by comparing the CDMA signal with the last known time signal from the GPS (taking into account any elapsed time.)

The suggestion or motivation for doing so would be to provide a backup for when a GPS signal is intermittent or not available and when a CDMA signal is.

23. With respect to claim 19 Brunts discloses the computer readable medium of claim 15. Brunts does not disclose wherein the time zone reference signal is a Code Division Multiple Access (CDMA) signal including a CDMA local time correction and the computer readable code for determining a local Coordinated Universal Time (UTC) correction from the time zone reference signal comprises computer readable code for setting the UTC correction equal to the CDMA local time correction.

Lynch teaches setting clock time according to a time zone using a CDMA signal (column 2 lines 4-21.) Lynch teaches a CDMA receiver (102 figure 1.)

Brunts suggests the need for a backup system to the GPS for determining the time zone (column 2 lines 60-64.)

At the time of the invention it would have been obvious to one skilled in the art to provide a CDMA receiver and use a CDMA signal as a time zone reference signal, as taught by Lynch, in Brunts' invention. When a GPS signal becomes unavailable or

unreliable the time zone of the vehicle or device and the UTC correction can be determined by comparing the CDMA signal with the last known time signal from the GPS (taking into account any elapsed time.)

The suggestion or motivation for doing so would be to provide a backup for when a GPS signal is intermittent or not available and when a CDMA signal is.

24. Claims 7, 8, 14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunts (US 5724316) in view of Schick (US 2002/0059075.)

25. With respect to claim 7 Brunts discloses the method of claim 1. Brunts does not disclose scheduling mobile vehicle communication system activities based on the local time (other than as interpreted above in the 102 rejection to claim 7.)

Schick teaches downloading vehicle information (page 4 paragraph 34.) Schick teaches downloading said data during times of ideal data link availability (paragraph 34 lines 27-30, the last 4 lines.)

At the time of the invention it would have been obvious to one skilled in the art to combine Schick's data transfer protocol with Brunts' method of determining correct time.

The suggestion or motivation for doing so would be to monitor the vehicle in use as taught by Schick. The times of ideal data link availability would necessarily depend on local time.

26. With respect to claim 8 Brunts in view of Schick teaches the method of claim 7 wherein the scheduling mobile vehicle communication system activities based on the local time comprises scheduling mobile vehicle communication system activities selected from the group consisting of Vehicle Data Uploads (VDUs), user requested notices, and system scheduled notices (Figure 2 and additionally see paragraph 34 page 4.)

27. With respect to claim 14 Brunts in view of Schick teaches the system of claim 9 further comprising means for scheduling mobile vehicle communication system activities based on the local time (see 103 rejection of claim 7 above.)

28. With respect to claim 20 Brunts in view of Schick discloses the computer readable medium of claim 15 further comprising computer readable code for scheduling mobile vehicle communication system activities based on the local time (see 103 rejection of claim 7 above.)

29. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brunts (US 5724316) in view of Schick (US 2002/0059075) and Simonds (US 20040034455.) With respect to claim 25 Brunts discloses the method of claim 1, wherein the telematics device comprises an a global positioning system (GPS) unit (70 figure 2) and invehicle memory (36 figure 2), and at least one speaker (65 figure 2.)

Brunts does not disclose a processor connected to a wireless modem, a microphone and an embedded mobile phone.

Schick teaches a wireless modem (paragraph 42 page 5) for the purpose of facilitating communication between systems.

Simonds teaches an embedded mobile phone and corresponding microphone.

At the time of the invention it would have been obvious to one skilled in the art to combine Simonds embedded phone and Brunts GPS system.

The suggestion or motivation would be to add phone functionality to the Brunts system.

At the time of the invention it would have been obvious to one skilled in the art to provide Brunts invention with a wireless modem as taught by Schick.

The suggestion or motivation for doing so would be to facilitate communication between remotely located systems as taught by Schick. This would further allow the Brunts system to be used in a vehicle tracking system as taught by Schick.

Response to Arguments

30. Applicant's arguments filed 6/8/2006 have been fully considered but they are not persuasive.

31. The applicant's first argument is that the amendment the Brunts reference does not disclose or suggest that the calculation of local time is based on a stored UTC correction value, a means therefor, and a computer readable medium for storing said value. Applicant's attention is directed toward lines 50-53 of column 2 of the Brunts patent. "The system and method determines the time of day from the GPS signals as referenced to a reference time such as GMT." According to wikipedia.com

Coordinated Universal Time (UTC) is a high-precision atomic time standard which approximately tracks Universal Time (UT). It is the basis for legal civil time all over the Earth: time zones around the world are expressed as positive and negative offsets from UTC. In this role it is also referred to as Zulu time (Z), or using the term "Greenwich Mean Time" (GMT).

Subsequently the Brunts reference is referring to UTC when it states GMT.

32. Applicant's second argument is that the Brunts device is not a "telematics device." According to wikipedia.com

The term *telematics* is used in a number of ways:

- The integrated use of telecommunications and informatics, also known as ICT (Information and Communications Technology). More specifically it is the science of sending, receiving and storing information via telecommunication devices.
- More narrowly and commonly, telematics is applied specifically to the use of Global Positioning System technology integrated with computers and mobile communications technology.

The device described by Brunts meets even the narrower definition. Specifically the device functions as a GPS (70 figure 2) is integrated with a computer (68 figure 2) and contains mobile communication technology (a radio and cassette player.)

33. Applicant's third argument states that the 102 rejection to claim 7 does not show the claimed "scheduling mobile vehicle communication system activities based on the local time." Examiner has withdrawn this rejection. However, claim 7 still stands rejected under 103, (please see rejection above.)

34. Applicant's fourth argument is that a GPS receiver cannot receive a CDMA signal. Applicant is correct in this. However, as modified in view of Lynch the device has a CDMA receiver.

35. Applicant's sixth argument restates the first two arguments as they apply to the dependent claims. They are not persuasive for the reasons stated above.

36. Applicant's seventh point is an accusation that the examiner is applying hindsight to the rejection of claim 7. No argument supporting this point is put forth. Subsequently it is unpersuasive.

Conclusion

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK
7/15/2006

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